

(FW)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF : Davis et al.
FOR : **FUEL PUMP MONITORING SYSTEM
AND ASSOCIATED METHOD**
SERIAL NO. : 10/676,607
FILED : October 1, 2003
EXAMINER : Unknown
ART UNIT : 3747
CONFIRMATION NO. : 7954
ATTORNEY DOCKET NO. : **AGTZ 2 00047**

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. §§ 1.56, 1.97, 1.98 and MPEP § 609, applicant(s) submit(s) the following Disclosure Statement concerning art of which the applicant(s) is (are) aware. A copy of PTO-1449 is enclosed herewith.

This Information Disclosure Statement shall not be construed to be an admission that any information referred to herein or submitted herewith is "prior art" or is considered to be material to patentability for this invention.

The United States Patent and Trademark Office OG Notice dated 12 October 2004 published a final rule revising 37 C.F.R. 1.98 dealing with the content of Disclosure Statements. Paragraph (a)(2) was revised to read in part, "A legible copy of: (i) Each foreign patent; (ii) Each publication or that portion which caused it to be listed, other than U.S. patents and U.S. patent application publications unless required by the Office." Therefore, Applicant(s) has (have) not enclosed copies of

the cited U.S. patents and published patent applications with this Information Disclosure Statement.

In accordance with 37 C.F.R. §1.97(g) and (h), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. §1.56(b) exists.

☒ Under § 1.98(a)(3), a concise explanation of relevance is required for information that is not in the English language. Accordingly, the English language documents have no further explanation.

☐ All of the cited and/or included documents were cited by the Patent Office in a related application(s). A copy of the Search Report is enclosed.

Consideration of the appropriate paragraph(s) indicated below is respectfully requested:

☐ **WITHIN THREE MONTHS OF FILING:** Under § 1.97(b)(1), this Information Disclosure Statement is being filed within three months of the filing date of the application (or date of entry of the national stage). Although it is believed no fee is necessary, any deficiency in fees should be charged to Deposit Account No. 06-0308.

☒ **BEFORE FIRST OFFICE ACTION:** Under § 1.97(b)(3), this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. Although it is believed no fee is necessary, any deficiency in fees should be charged to Deposit Account No. 06-0308.

☐ **BEFORE FINAL ACTION, OR NOTICE OF ALLOWANCE, OR ACTION THAT CLOSSES PROSECUTION/WITH STATEMENT:** Under § 1.97(c)(1), this information shall be considered if filed before the mailing date of a final action, or a Notice of Allowance or action that otherwise closes prosecution in the application if accompanied by the statement:

Under § 1.97(e)(1), the undersigned states:

☐ A. that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement; or

☐ B. that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent

office in a counterpart foreign application, and to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

☐ **BEFORE FINAL ACTION, OR NOTICE OF ALLOWANCE, OR ACTION THAT CLOSSES PROSECUTION/WITH FEE:** Under § 1.97(c)(2), this information shall be considered if filed before the mailing date of a final action if accompanied by a fee in the amount of \$180.00 as required by §1.17(p). Accordingly, the necessary fee accompanies this Information Disclosure Statement. Any overpayment or deficiency should be charged to Deposit Account No. 06-0308.

☐ **AFTER FINAL ACTION, OR NOTICE OF ALLOWANCE, OR ACTION THAT CLOSSES PROSECUTION/AND ON OR BEFORE PAYMENT OF THE ISSUE FEE:**

1. Under § 1.97(e)(1), the undersigned states:

☐ A. that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement; **or**

☐ B. that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the Information Disclosure Statement; **and**

2. ☐ the fee in the amount of \$180.00 as required by §1.17(p). Accordingly, the necessary fee accompanies this Information Disclosure Statement. Any overpayment or deficiency should be charged to Deposit Account No. 06-0308.

☐ **PRIORITY CLAIM:** The attached PTO 1449 Form includes all patents, publications, or other information previously cited by or submitted to the Office in one or more prior applications from which the present application claims priority. These one or more prior applications are identified in the papers accompanying the filing of this application.

It is respectfully requested that the attached document(s) be considered and officially cited in examination of this application.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

21 January 2005
Date

Alan C Brandt

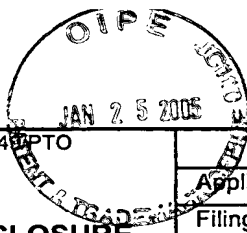
Timothy E. Nauman, Reg. No. 32,382
Alan C. Brandt, Reg. No. 50,218
1100 Superior Avenue
Seventh Floor
Cleveland, OH 44114-2518
216/861-5582

CERTIFICATE OF MAILING

I certify that this Information Disclosure Statement and accompanying document(s) are being

- ☒ deposited with the United States Postal Service as First Class mail under 37 C.F.R. 1.8, addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
- ☐ transmitted to facsimile number _____ under 37 C.F.R. 1.8 on the date indicated below.
- ☐ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to: Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No.:	Signature <i>Laurie A. Boylan</i>
Date <i>January 21, 2005</i>	Printed Name Laurie A. Boylan



Substitute for Form 1449 PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT(S) <i>(Use as many sheets as necessary)</i>	COMPLETE IF KNOWN	
	Application Number	10/676,607
	Filing Date	October 1, 2003
	First Named Inventor	Brian J. Davis
	Art Unit	3747
	Examiner Name	Unknown
Sheet 1 of 2	Attorney Docket No.	AGTZ 2 00047

U.S. PATENT DOCUMENTS				
Examiner Initials*	Cite No.	Document No. Number-Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	AA	US-5,225,842	07-06-1993	Brown et al.
	AB	US-5,392,052	02-21-1995	Eberwine
	AC	US-5,959,577	09-28-1999	Fan et al.
	AD	US-6,072,396	06-06-2000	Gaukel
	AE	US-6,121,922	09-19-2000	Mohan
	AF	US-6,321,091	11-20-2001	Holland
	AG	US-6,339,397	01-15-2002	Baker
	AH	US-6,377,210	04-23-2002	Moore
	AI	US-6,429,810	08-06-2002	De Roche
	AJ	US-6,456,852	09-24-2002	Bar et al.
	AK	US-6,472,976	10-29-2002	Wohl
	AL	US-6,496,777	12-17-2002	Tennison et al.

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T
		Country Code-Number Kind Code (if known)			
	AM				
	AN				
	AO				
	AP				

OTHER - NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volumeissue number(s), publisher, city and/or country where published		T
	AQ			
	AR			
	AS			
	AT			
	AU			
	AV			

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

Substitute for Form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT(S) <i>(Use as many sheets as necessary)</i>	COMPLETE IF KNOWN	
	Application Number	10/676,607
	Filing Date	October 1, 2003
	First Named Inventor	Brian J. Davis
	Art Unit	3747
	Examiner Name	Unknown
Sheet 2 of 2	Attorney Docket No.	AGTZ 2 00047

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.	Document No. Number-Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	BA	US-6,502,030	12-31-2002	Hilleary
	BB	US-6,509,867	01-21-2003	McGibney
	BC	US-6,531,982	03-11-2003	White et al.
	BD	US-6,542,076	04-01-2003	Joao
	BE	US-6,611,757	08-26-2003	Brodie
	BF	US-6,700,493	03-02-2004	Robinson
	BG	US-6,700,533	03-02-2004	Werb et al.
	BH	US-6,789,013	09-07-2004	Annett et al.
	BI	US-6,799,094	09-28-2004	Vaida et al.
	BJ	US-2002/0177476	11-28-2002	Chou
	BK	US-2003/0007473	01-09-2003	Strong et al.
	BL	US-2003/0030568	02-13-2003	Lastinger et al.
	BM	US-2003/0117316	06-26-2003	Tischer
	BN	US-2003/0225492	12-04-2003	Cope et al.
	BO	US-2004/0183673	09-23-2004	Nageli

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent Document Country Code-Number Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T
	BP				
	BQ				

OTHER - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published	T
	BR		
	BS		
	BT		
	BU		

Examiner Signature		Date Considered	
--------------------	--	-----------------	--